

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

TERRY J. LUTZ,

Plaintiff,

v.

CHRISTOPHER MILLER,
DEXTER ETHANOL, LLC, an Iowa
limited liability company,
TAMA ETHANOL, LLC, an Iowa limited
liability company, and
ALPHA HOLDINGS, LLC, an Iowa limited
liability company,

Defendants.

NO. 4:09-cv-135-RP-TJS

**STIPULATED DISMISSAL WITHOUT
PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), the parties by their respective attorneys stipulate that this action shall be dismissed in its entirety without prejudice and without assessment of costs against any party.

/s/ Richard R. Malm

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of June, 2009, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which, pursuant to Local Rule 5.3(k)(1), will send a notice of electronic filing to the following:

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ATTORNEYS FOR RESPONDENT

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